

Mail Stop Interference
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Paper 1
Filed: 23 July 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RAYMOND J. ROUSSY
Junior Party
(Application No. 11/067,225)

v.

HOWARD E. JOHNSON, Jr.
Senior Party
(Patent Nos. 6,955,219; 7,093,657; 7,270,182).

Patent Interference No. 105,708 (SCM)
(Technology Center 3600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue
4 application (if any), count(s) and claims designated as corresponding or as not
5 corresponding to the count(s) appear in Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Sally C. Medley has been designated to
8 manage the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for
14 **1:00 p.m. on 22 September 2009** (the Board will initiate the call).

15 No later than **four business days** prior to the conference call, each party
16 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120;
17 Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A
21 typical motion period lasts approximately eight (8) months. Counsel should be
22 prepared to justify any request for a shorter or longer period.

1 **Part E. Identification and order of the parties**

2 Junior Party

3
4 Named Inventor: RAYMOND J. ROUSSY, Surrey, Canada

5
6 Involved Application: Application 11/067,225, filed 28 Feb. 2005

7
8 Title: METHOD OF GEOTHERMAL LOOP
9 INSTALLATION

10
11 Assignee: none

12
13 Senior Party

14
15 Named Inventor: HOWARD E. JOHNSON, Jr., Kennesaw, GA

16
17 Involved Patent: Patent 6,955,219, issued 18 Oct. 2005, based on
18 Application 10/613,511, filed 03 Jul. 2003

19
20 Title: EARTH LOOP INSTALLATION WITH SONIC
21 DRILLING

22
23 Assignee: Enlink Geoenergy Services, Inc.

24
25 Involved Patent: Patent 7,093,657, issued 22 Aug. 2006, based on
26 Application 11/247,997, filed 10 Oct. 2005

27
28 Title: EARTH LOOP INSTALLED WITH SONIC
29 APPARATUS

30
31 Assignee: Enlink Geoenergy Services, Inc.

32
33 Involved Patent: Patent 7,270,182, issued 18 Sep. 2007, based on
34 Application 11/506,395, filed 18 Aug. 2006

1 Title: EARTH LOOP INSTALLED WITH SONIC
2 APPARATUS

3
4 Assignee: Enlink Geoenergy Services, Inc.
5

6 The senior party is assigned exhibit numbers 1001-1999. The junior party is
7 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
8 party is responsible for initiating settlement discussions. SO ¶ 126.1.

9 **Part F. Count and claims of the parties**

10 Count 2²

11 Claim 23 of Roussy's Application 11/067,225

12 or

13 Claim 1 of Johnson's Patent 7,270,182

14 The claims of the parties are:

15 Roussy: 1-15, 18, 20-23

16 Johnson Patent 6,955,219: 1-22

17 Johnson Patent 7,093,657: 1-23

18 Johnson Patent 7,270,182: 1-18

19 The claims of the parties which correspond to Count 2 are:

20 Roussy: 1-4, 7-9, 11-15, 18, 20-23

21 Johnson Patent 6,955,219: 1-20

22 Johnson Patent 7,093,657: 1-12, 16-18, 20-23

23 Johnson Patent 7,270,182: 1-7, 10

24 The claims of the parties which do not correspond to Count 2, and therefore
25 are not involved in the interference, are:

² There is no "count 1" in this interference. Count 2 is used to distinguish it from

1	Roussy:	5, 6, 10
2	Johnson Patent 6,955,219:	21, 22
3	Johnson Patent 7,093,657:	13-15, 19
4	Johnson Patent 7,270,182:	8, 9, 11-18

5 The parties are accorded the following benefit for Count 2:

6	Roussy:	none
7	Johnson Patent 6,955,219:	none
8	Johnson Patent 7,093,657:	10/613,511, filed 03 July 2003, now
9		Patent 6,955,219, issued 18 Oct. 2005
10		
11	Johnson Patent 7,270,182:	11/247,997, filed 10 Oct. 2005, now
12		Patent 7,093,657, issued 22 Aug.
13		2006
14		
15		10/613,511, filed 03 July 2003, now
16		Patent 6,955,219, issued 18 Oct. 2005

“Count 1” in related interference 105,707.

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference,
3 see SO ¶ 106.1.1:

4
5 UNITED STATES PATENT AND TRADEMARK OFFICE

6
7
8 BEFORE THE BOARD OF PATENT APPEALS
9 AND INTERFERENCES

10
11
12 RAYMOND J. ROUSSY
13 Junior Party
14 (Application No. 11/067,225)

15
16 v.

17
18 HOWARD E. JOHNSON, Jr.
19 Senior Party
20 (Patent Nos. 6,955,219; 7,093,657; 7,270,182).

21
22
23 Patent Interference No. 105,708 (SCM)
24 (Technology Center 3600)

1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

6
7 /Sally C. Medley/
8 Administrative Patent Judge

9 Enc:

10 Copy of STANDING ORDER
11 Copy U.S. Patent 6,955,219
12 Copy U.S. Patent 7,093,657
13 Copy U.S. Patent 7,270,182
14 Copy of claims of Application 11/067,225

15
16
17
18 Revised 3 January 2006

1 cc (via overnight delivery):

2
3 Attorney for Roussy:

4
5 Berenato, White & Stavish, LLC
6 6550 Rock Spring Drive
7 Suite 240
8 Bethesda, MD 20817
9

10 Attorney for Johnson:

11
12 EnLink Geoenergy Services, Inc.
13 or Howard E. Johnson, Jr.
14 PMB 293
15 236 South 3rd Street
16 Montrose, CO 81404
17
18